

STATE OF WISCONSIN

Senate Journal

Ninety-First Regular Session

11:00 A.M.

THURSDAY, February 18, 1993

The Senate met.

The Senate was called to order by Fred A. Risser, President of the Senate.

The roll was called and the following Senators answered to their names:

Senators Adelman, Andrea, Breske, Buettner, Burke, Chvala, Clausing, Cowles, Darling, Decker, Drzewiecki, Ellis, Farrow, George, Helbach, Huelsman, Jauch, Lasee, Leraan, Lorman, Moen, Moore, Petak, Plewa, Potter, Risser, Rude, Schultz Stitt and Weeden — 30.

Absent — None.

Absent with leave — None.

The Senate stood for a moment of silent meditation.

The Senate remained standing and Senator Andrea led the Senate in the pledge of allegiance to the flag of the United States of America.

INTRODUCTION OF RESOLUTIONS

Senate Joint Resolution 13

Memorializing Congress to abolish the electoral college and provide for the direct, popular, joint election of the U.S. president and vice president.

By Senators Jauch, Breske, Weeden, Huelsman and Andrea; cosponsored by Representatives Travis, Carpenter, Linton, Plache, Musser, Roberts, Bock, Baldus, Ryba, Hanson, Boyle, Potter, Bolle and La Fave.

To committee on Urban Affairs, Financial Institutions and Environmental Resources.

INTRODUCTION OF BILLS

Read first time and referred:

Senate Bill 61

Relating to requiring documents that request an individual to identify his or her race from a list of specified racial classifications to include in that list a multiracial classification.

By Senators Risser and Rude; cosponsored by Representatives Plache, Black, Boyle, Grobschmidt, Holperin, Krug, Lorge, Musser, Potter, Roberts and Rosenzweig.

To committee on Housing, Commerce, Government Operations and Cultural Affairs.

Senate Bill 62

Relating to the regulation of landscape architects, creating a landscape architect section in the examining

board of architects, professional engineers, designers and land surveyors and providing a penalty.

By Senators Chvala, Risser, Rude, Darling, Huelsman and Burke; cosponsored by Representatives Roberts, Carpenter, Baldus, Gruszynski, Johnsrud, Black, Holperin, Hahn, Gronemus, Lazich, La Fave, Wineke, Boyle and Silbaugh.

To committee on Housing, Commerce, Government Operations and Cultural Affairs.

Senate Bill 63

Relating to firearms and providing penalties.

By Senators Farrow, Drzewiecki, Stitt, Huelsman, Potter, Schultz and Buettner; cosponsored by Representatives Krusick, Welch, Zien, Duff, Musser, Goetsch, Kaufert, Grobschmidt, Nass, Ainsworth, Freese, Dobyns, Foti, Brandemuehl, Green, Rosenzweig and Beal.

To committee on Judiciary and Consumer Affairs.

Senate Bill 64

Relating to the release of helium balloons and providing a penalty.

By Senators Farrow, Burke and Clausing; cosponsored by Representatives Silbaugh, Baumgart, Boyle and Wirch.

To committee on Judiciary and Consumer Affairs.

COMMITTEE REPORTS

The committee on Senate Organization reports and recommends the following nomination to committee for appointment by the Senate:

Jim Kleinhans of Wausau to the Radioactive Waste Review Board.

Fred A. Risser  
Chair

The question was: Adoption?

Adopted.

PETITIONS AND COMMUNICATIONS

State of Wisconsin  
Department of Administration

February 12, 1993

To the Honorable the Legislature:

This report is transmitted as required by sec. 20.002(11)(f) of the Wisconsin Statutes, (for distribution to the appropriate standing committees under sec. 13.172(3) Stats.), and confirms that the Department of

Administration has found it necessary to exercise the "temporary reallocation of balances" authority provided by this section in order to meet payment responsibilities and cover resulting negative balances during the month of January, 1993.

On January 1, 1992 the Elderly Property Tax Deferral Fund balance was \$-72 thousand. This shortfall continued through January 31st when the balance was \$-68 thousand. The shortfall is due to an excessive General Fund transfer, and is being corrected.

The Elderly Property Tax Deferral Fund shortfall was not in excess of the \$400 million ceiling and did not exceed the balances of the Funds available for interfund borrowing.

The distribution of interest earnings to investment pool participants is based on the average daily balance in the pool and each fund's share. Therefore, the monthly calculation by State Finance will automatically reflect the use of these temporary reallocations of balance authority.

Sincerely,  
James R. Klauser  
Secretary

Referred to joint committee on Finance

State of Wisconsin  
University of Wisconsin System  
February 10, 1993

To the Honorable the Legislature:

The University of Wisconsin System Board of Regents during its regular meeting February 5, 1993, adopted the following resolution:

Pursuant to 1989 Wisconsin Act 177, s. 36.11(22), Wisconsin Statutes, the board hereby accepts the report on implementation of the Act (the report on orientation programs and information provided to students on sexual assault and sexual harassment) and directs that the report be submitted to the chief clerk of each house of the legislature for distribution to the appropriate standing committees under s. 13.172(3).

The referenced report is attached. It indicates, as required by the legislation, the methods each system institution used to comply with paragraph (a) of the Act.

Sincerely,  
Katharine C. Lyall  
President

### Senate Petition 1

A petition by 4024 residents of the State of Wisconsin in opposition to a constitutional amendment that would restrict casino gambling in the State of Wisconsin.

By Senator Helbach.

Read and referred to committee on Judiciary and Consumer Affairs.

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### EXECUTIVE COMMUNICATIONS

State of Wisconsin  
Office of the Governor

February 16, 1993

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint RICHARD L. DEAN of Eau Claire, as Commissioner of Banking pursuant to the statute governing, to serve for the term ending at the pleasure of the Governor.

Respectfully,  
Tommy Thompson  
Governor

Read and referred to committee on Urban Affairs, Financial Institutions and Environmental Resources.

State of Wisconsin  
Office of the Governor

February 11, 1993

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint JOSEPHINE W. MUSSER of Madison, as Commissioner of Insurance pursuant to the statute governing, to serve for the term ending at the pleasure of the Governor.

Respectfully,  
Tommy Thompson  
Governor

Read and referred to committee on Housing, Commerce, Government Operations and Cultural Affairs.

State of Wisconsin  
Office of the Governor

February 16, 1993

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint SCOTT A. NEITZEL of Madison, as a member of the Public Service Commission pursuant to the statute governing, to serve for the term ending March 1, 1999.

Respectfully,  
Tommy Thompson  
Governor

Read and referred to committee on Urban Affairs, Financial Institutions and Environmental Resources.

Senator Moen, with unanimous consent, asked that the Senate recess until 12:01 P.M.

11:09 A.M.

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RECESS

12:01 P.M.

The Senate reconvened.

CALENDAR OF FEBRUARY 18, 1993

Senator Helbach, with unanimous consent, asked that all the appointments except Michael F. Corry, Mary Ellen Sensenbrenner and Larry Tainter be taken up en masse.

BEASER, GLORIA A., of Montello, as a member of the Respiratory Care Practitioners Examining Council, to serve for the term ending July 1, 1995.

Read.

GETTO, DR. CARL J., of Middleton, as a member of the Rural Health Development Council, to serve for the term ending July 1, 1997.

Read.

HARPER, NANCY, of Madison, as a member of the Nursing Home Administrator Examining Board, to serve for the interim term ending July 1, 1995.

Read.

HEINEMANN, VIRGINIA, of Wausau, as a member of the Examining Board of Social Workers, Marriage and Family Therapists and Professional Counselors, to serve for the term ending July 1, 1996.

Read.

KAMKE, SARAH L., of Schofield, as a member of the Veterinary Examining Board, to serve for the interim term ending July 1, 1994.

Read.

KNIGHT, DOUGLAS V., of Eau Claire, as a member of the Examining Board of Social Workers, Marriage and Family Therapists and Professional Counselors, to serve for the term ending July 1, 1994.

Read.

O'DONNELL, WILLIAM F., of Milwaukee, as a member of the Regional Transportation Authority, to serve for the interim term ending December 11, 1994.

Read.

PEEBLES, MICHAEL J., of Fond du Lac, as a member of the Prison Industries Board, to serve for the term ending May 1, 1995.

Read.

RIKKERS, FREDERICK T., of Madison, as a member of the Savings and Loan Review Board, to serve for the interim term ending May 1, 1993.

Read.

TOWNSEND, JOYCE, of Glendale, as a member of the Council on Domestic Abuse, to serve for the term ending July 1, 1995.

Read.

The question was: Confirmation?

The ayes and noes were required and the vote was: ayes, 30; noes, 0; absent or not voting, 0; as follows:

Ayes — Senators Adelman, Andrea, Breske, Buettner, Burke, Chvala, Clausing, Cowles, Darling, Decker, Drzewiecki, Ellis, Farrow, George, Helbach, Huelsman, Jauch, Lasee, Lekan, Lorman, Moen, Moore, Petak, Plewa, Potter, Risser, Rude, Schultz, Stitt and Weeden — 30.

Noes — None.

Absent or not voting — None.

Confirmed.

CORRY, MICHAEL F., of Madison, as a member of the Wisconsin Cost Containment Commission, to serve for the term ending March 1, 1998.

Read.

The question was: Confirmation?

The ayes and noes were required and the vote was: ayes, 30; noes, 0; absent or not voting, 0; as follows:

Ayes — Senators Adelman, Andrea, Breske, Buettner, Burke, Chvala, Clausing, Cowles, Darling, Decker, Drzewiecki, Ellis, Farrow, George, Helbach, Huelsman, Jauch, Lasee, Lekan, Lorman, Moen, Moore, Petak, Plewa, Potter, Risser, Rude, Schultz, Stitt and Weeden — 30.

Noes — None.

Absent or not voting — None.

Confirmed.

SENSENBRENNER, MARY ELLEN, of Madison, as a member of the Wisconsin Cost Containment Commission, to serve for the term ending March 1, 1994.

Read.

The question was: Confirmation?

The ayes and noes were required and the vote was: ayes, 30; noes, 0; absent or not voting, 0; as follows:

Ayes — Senators Adelman, Andrea, Breske, Buettner, Burke, Chvala, Clausing, Cowles, Darling, Decker, Drzewiecki, Ellis, Farrow, George, Helbach, Huelsman, Jauch, Lasee, Lekan, Lorman, Moen, Moore, Petak, Plewa, Potter, Risser, Rude, Schultz, Stitt and Weeden — 30.

Noes — None.

Absent or not voting — None.

Confirmed.

TAINTER, LARRY, of McFarland, as a member of the Wisconsin Cost Containment Commission, to serve for the term ending March 1, 1996.

Read.

The question was: Confirmation?

The ayes and noes were required and the vote was: ayes, 30; noes, 0; absent or not voting, 0; as follows:

Ayes — Senators Adelman, Andrea, Breske, Buettner, Burke, Chvala, Clausing, Cowles, Darling, Decker, Drzewiecki, Ellis, Farrow, George, Helbach, Huelsman, Jauch, Lasee, Llean, Lorman, Moen, Moore, Petak, Plewa, Potter, Risser, Rude, Schultz, Stitt and Weeden — 30.

Noes — None.

Absent or not voting — None.

Confirmed.

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#### SENATE CLEARINGHOUSE ORDERS

##### **Senate Clearinghouse Rule 92-224**

Relating to allowing the operation of double bottoms and certain other vehicles on certain specified highways.

Submitted by Department of Transportation.

Report received from agency, February 16, 1993.

Referred to committee on Transportation, Agriculture, Tourism and Veterans Affairs, February 18, 1993.

##### **Senate Clearinghouse Rule 92-225**

Relating to financial standards and reporting by insurers, insurance holding companies, managing general agents, producers controlling insurers and reinsurance intermediaries.

Submitted by Office of the Commissioner of Insurance.

Report received from agency, February 16, 1993.

Referred to committee on Housing, Commerce, Government Operations and Cultural Affairs, February 18, 1993.

The committee on Housing, Commerce, Government Operations and Cultural Affairs reports and recommends:

##### **Senate Clearinghouse Rule 92-66**

Relating to transfer of public records to optical disk format.

No action taken.

##### **Senate Clearinghouse Rule 92-165**

Relating to emergency number systems.

No action taken.

##### **Senate Clearinghouse Rule 92-196**

Relating to establishing procedures that apply to elections of participants to the employe trust funds board or the teachers retirement board.

No action taken.

John R. Plewa  
Chair

The committee on Transportation, Agriculture, Tourism and Veterans Affairs reports and recommends:

##### **Senate Clearinghouse Rule 92-160**

Relating to the urban mass transit operating assistance program.

No action taken.

##### **Senate Clearinghouse Rule 92-180**

Relating to advance land acquisition loan program for airports.

No action taken.

##### **Senate Clearinghouse Rule 92-133**

Relating to the elderly and handicapped transportation assistance program for private nonprofit organizations.

No action taken.

##### **Senate Clearinghouse Rule 92-154**

Relating to motor carrier safety regulations.

No action taken.

##### **Senate Clearinghouse Rule 92-155**

Relating to motor carrier safety requirements for transportation of hazardous materials.

No action taken.

Roger Breske  
Chair

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#### MESSAGE FROM THE ASSEMBLY

By Thomas T. Melvin, chief clerk.

Mr. President:

I am directed to inform you that the Assembly has passed and asks concurrence in:

**Assembly Bill 37**

**Assembly Bill 114**

Adopted and asks concurrence in:

**Assembly Joint Resolution 10**

Concurred in:

**Senate Joint Resolution 3**

Amended and concurred in as amended:

**Senate Joint Resolution 2, Assembly amendment 2**

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#### MESSAGE FROM THE ASSEMBLY CONSIDERED

##### **Assembly Bill 37**

Relating to extending the agricultural production loan guarantee program.

By Representatives Gronemus, Ott, Springer, Harsdorf, Swoboda, Klusman, Roberts, Ainsworth,

Stower, Zukowski, Reynolds, Wilder, Coleman, Wineke, Hahn, Baldus, Prosser, Lehman, Hubler, Freese, Porter, Deininger, Johnsrud, Albers, Musser, Ourada, Kreibich, Brancel, Ryba, Gard, Lorge, La Fave, Silbaugh, Robson, Hanson, Baldwin, Carpenter, Gruszynski, Linton, Zien, Bolle, Grobschmidt, Goetsch, Brandemuehl, Ladwig, Otte, Hasenohrl and Ward, cosponsored by Senators Breske, Lasee, Andrea, Schultz, Moen, Drzewiecki, Rude, Farrow, Petak, Darling, Cowles, Decker, Lorman, Risser and Buettner.

Read first time and referred to committee on Transportation, Agriculture, Tourism and Veterans Affairs.

**Assembly Bill 114**

Relating to deleting, from the April 6, 1993, spring election ballot, the advisory referendum question on a constitutional amendment to restrict gambling casinos in this state.

By Representative Travis.

Read first time and referred to committee on Senate Rules.

**Assembly Joint Resolution 10**

Relating to the rights of victims of crime (2nd consideration).

By Representatives Krug, Barca, Panzer, Plache, Notestein, Ourada, Gronemus, Carpenter, Musser, La Fave, Hasenohrl, Klusman, Black, Springer, Lehman, Potter, Hinkfuss, Ott, Riley, Robson, Lorge, Grobschmidt, Boyle, Ladwig, Bolle, Ziegelbauer, Kaufert, Porter, Bock, Baldus, Baldwin, Rosenzweig, Harsdorf, Roberts, Meyer, Bell, Wilder, Dobyns, Owens and Goetsch, cosponsored by Senators Burke, Buettner, Risser, Huelsman, Moen, George, Clausing, Breske, Plewa, Potter and Drzewiecki, by request of Attorney General James E. Doyle; Crime Victims Council; Wisconsin Chief of Police Association; Wisconsin Victim Witness Professionals; Wisconsin Coalition Against Sexual Assault; Mothers Against Drunk Driving; Professional Fire Fighters of Wisconsin; Wisconsin Committee for Prevention of Child Abuse; Wisconsin Justice Fellowship; American Association of University Women - Wisconsin Division; International Association of Campus Law Enforcement Administrators - Wisconsin Chapter; and Parents of Murdered Children and Other Survivors of Homicide Victims.

Read first time and referred to committee on Judiciary and Consumer Affairs.

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SECOND READING AND AMENDMENTS  
OF SENATE JOINT RESOLUTIONS AND  
SENATE BILLS

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CALENDAR OF FEBRUARY 18, 1993

**Senate Bill 3**

Relating to determination of homelessness for purposes of aid to families with dependent children emergency assistance.

Read a second time.

Senator George, with unanimous consent, asked that **Senate Bill 3** be referred to joint committee on Finance.

**Senate Bill 4**

Relating to the annual wastewater discharge environmental fee.

Read a second time.

Senator George, with unanimous consent, asked that **Senate Bill 4** be referred to joint committee on Finance.

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SECOND READING AND AMENDMENTS  
OF ASSEMBLY JOINT RESOLUTIONS AND  
ASSEMBLY BILLS

**Assembly Joint Resolution 1**

Relating to the life and public service of Leland Mulder.

Read.

Concurred in by unanimous rising vote.

**Assembly Joint Resolution 2**

Relating to the life and public service of Ed McClain.

Read.

Concurred in by unanimous rising vote.

**Assembly Joint Resolution 4**

Relating to the life and public service of Hallie Rowe.

Read.

Concurred in by unanimous rising vote.

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MOTIONS

Senator Helbach, with unanimous consent, asked that **Senate Joint Resolution 2** be withdrawn from committee on Senate Rules and taken up.

**Senate Joint Resolution 2**

Relating to distinguishing the state lottery from prohibited gambling, limiting "lottery", prohibiting lottery expansion to other games, and removing from the gambling section of the constitution the prohibition of individual divorce grants by the legislature (2nd consideration).

Read.

Senate amendment 1 to Assembly amendment 2 to **Senate Joint Resolution 2** offered by Senator Adelman.

The question was: Adoption of Senate amendment 1 to Assembly amendment 2?

Adoption refused.

Senator Drzewiecki, with unanimous consent, asked that he be listed as a co-author of **Senate Joint Resolution 2**.

The question was: Concurrence in Assembly amendment 2?

Concurred in.

Senator Helbach, with unanimous consent, asked that **Assembly Bill 114** be withdrawn from committee on Senate Rules and taken up.

Senator Leean objected.

Senator Breske, with unanimous consent, asked that **Assembly Bill 37** be withdrawn from committee on Senate Rules and taken up.

Senator Ellis objected.

Senator Helbach, with unanimous consent, asked that all action be ordered immediately messaged.

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#### ANNOUNCEMENTS

Senator Decker, with unanimous consent, asked that when the Senate adjourn today it do so on honor of the Athens High School Class "C" first place wrestling team.

Senator Andrea, with unanimous consent, asked that when the Senate adjourn today it do so in honor of former U. S. Congressman Les Aspin who has now taken the position of Secretary of Defense.

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#### ADJOURNMENT

Senator Helbach, with unanimous consent, asked that the Senate adjourn until 10:00 A.M. Tuesday, February 23.

12:50 P.M.

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#### AMENDMENTS OFFERED

Senate substitute amendment 1 to **Assembly Bill 114** offered by Senator Adelman.